

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**WALTER V. LOVE,**

**Plaintiff,**

**v.**

**Case No. 12-CV-689**

**JP CULLEN & SONS, INC.,**

**Defendant.**

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**DECISION AND ORDER ON PLAINTIFF'S MOTION FOR RECONSIDERATION**

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On October 24, 2013, I denied the plaintiff, Walter V. Love's ("Love"), request for leave to proceed *in forma pauperis* on appeal. (Docket # 46.) In that Order, I found that Love has significant assets and cash and thus his financial status does not prevent him from paying the one time filing fee of \$455. I made that determination based on Love's affidavit stating that his assets include a primary residence with a value of \$50,000, a rental property with a value of \$50,000, a 2004 Jaguar S Type automobile, a 1991 Mercedes 500 SL automobile, and cash in the amount of \$5,700. (Docket # 46 at 2.) Love also claims an average monthly income of \$1,800 and states that he is owed \$2,500 from two sources. (*Id.*)

I also advised Love that under Federal Rule of Appellate Procedure 24(a)(5), he has 30 days from the date of the Order in which to ask the court of appeals to review this Court's denial of leave to proceed *in forma pauperis* on appeal. Love now requests that this Court reconsider its decision denying him leave to proceed *in forma pauperis* on appeal, stating that he does not have the means to continue the case. (Docket # 48.)

A motion for reconsideration serves a very limited purpose in federal civil litigation; it should be used only “to correct manifest errors of law or fact or to present newly discovered evidence.” *Rothwell Cotton Co. v. Rosenthal & Co.*, 827 F.2d 246, 251 (7th Cir. 1987) (quoting *Keene Corp. v. Int’l Fidelity Ins. Co.*, 561 F. Supp. 656 (N.D. Ill. 1982), *aff’d* 736 F.2d 388 (7th Cir. 1984)). Love does not present any new information regarding his financial status. Thus, Love’s motion for reconsideration is denied. Once again, Love is directed to Federal Rule of Appellate Procedure 24(a)(5), the text of which is reproduced at the end of this decision, for the procedure for filing a motion to proceed *in forma pauperis* on appeal in the court of appeals.

### **ORDER**

**NOW, THEREFORE, IT IS ORDERED** that the plaintiff’s motion for reconsideration (Docket # 48) is **DENIED**.

Dated at Milwaukee, Wisconsin this 7<sup>th</sup> day of November, 2013.

BY THE COURT

s/Nancy Joseph  
NANCY JOSEPH  
United States Magistrate Judge

**Federal Rule of Appellate Procedure 24:**

**RULE 24. Proceeding In Forma Pauperis**

**(a) Leave to Proceed In Forma Pauperis.**

(1) Motion in the District Court. Except as stated in Rule 24(a)(3), a party to a district-court action who desires to appeal in forma pauperis must file a motion in the district court. The party must attach an affidavit that:

(A) shows in the detail prescribed by Form 4 of the Appendix of Forms, the party's inability to pay or to give security for fees and costs;

(B) claims an entitlement to redress; and

(C) states the issues that the party intends to present on appeal.

(2) Action on the Motion. If the district court grants the motion, the party may proceed on appeal without prepaying or giving security for fees and costs, unless a statute provides otherwise. If the district court denies the motion, it must state its reasons in writing.

(3) Prior Approval. A party who was permitted to proceed in forma pauperis in the district-court action, or who was determined to be financially unable to obtain an adequate defense in a criminal case, may proceed on appeal in forma pauperis without further authorization, unless:

(A) the district court-before or after the notice of appeal is filed-certifies that the appeal is not taken in good faith or finds that the party is not otherwise entitled to proceed in forma pauperis. In that event, the district court must state in writing its reasons for the certification or finding; or

(B) a statute provides otherwise.

(4) Notice of District Court's Denial. The district clerk must immediately notify the parties and the court of appeals when the district court does any of the following:

(A) denies a motion to proceed on appeal in forma pauperis; (B) certifies that the appeal is not taken in good faith; or (C) finds that the party is not otherwise entitled to proceed in forma pauperis.

(5) Motion in the Court of Appeals. A party may file a motion to proceed on appeal in forma pauperis in the court of appeals within 30 days after service of the notice prescribed in Rule 24(a)(4). The motion must include a copy of the affidavit filed in the district court and the district court's statement of reasons for its action. If no affidavit was filed in the district court, the party must include the affidavit prescribed by Rule 24(a)(1).

**(b) Leave to Proceed In Forma Pauperis on Appeal or Review of an Administrative-Agency Proceeding.** When an appeal or review of a proceeding before an administrative agency, board, commission, or officer (including for the purpose of this rule the United States Tax Court) proceeds directly in a court of appeals, a party may file in the court of appeals a motion for leave to proceed on appeal in forma pauperis with an affidavit prescribed by Rule 24(a)(1).

**(c) Leave to Use Original Record.** A party allowed to proceed on appeal in forma pauperis may request that the appeal be heard on the original record without reproducing any part.